

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(CONSTITUTION) AMENDMENT ACT, 1979, No. 39**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 39, 1979.

An Act to amend the Parliamentary Electorates and Elections Act,
1912, consequentially upon the enactment of the Constitution
(Amendment) Act, 1979. [Assented to, 30th April, 1979.]

Parliamentary Electorates and Elections (Constitution) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Parliamentary Electorates and Elections (Constitution) Amendment Act, 1979".

Amend-
ment of
Act No. 41,
1912.

2. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

**AMENDMENTS TO PARLIAMENTARY ELECTORATES AND ELECTIONS
ACT, 1912.**

(1) (a) Section 1—

Omit the matter relating to Part II, insert instead :—

**PART II.—DISTRIBUTION OF ELECTORATES—ss.
6–19.**

(b) Section 1—

From the matter relating to Division 13 of Part V,
omit "120A", insert instead "120B".

(2) Part II, heading—

Omit "NUMBERS OF MEMBERS OF ASSEMBLY AND OF
ELECTORATES—".

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

- (3) Section 4—
Omit the section.
- (4) Section 5—
Omit the section.
- (5) (a) Section 6 (1)—
Omit “this Act”, insert instead “the Constitution Act,
1902.”.
- (b) Section 6 (1)—
Omit “Commissioners.”, insert instead “Commis-
sioners’, to carry out the distribution.”.
- (6) Section 6A—
Omit “by this Part”, insert instead “with respect to the
carrying out of a distribution”.
- (7) Section 9—
After “proceedings”, insert “(including the conduct of their
proceedings in public)”.
- (8) (a) Section 13 (1)—
Omit “for the purposes of this Act”, insert instead
“and to do so with all due diligence after their
appointment”.

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(b) Section 13 (2), (3)—

Omit the subsections.

(9) (a) Section 15 (2)—

Omit “; on such publication those electoral districts shall, until altered by further redistribution under this Act, be the electoral districts of New South Wales”.

(b) Section 15 (3), (4)—

After section 15 (2), insert :—

(3) Upon publication of a proclamation under subsection (2), the electoral districts specified in the proclamation shall, until altered by a further distribution under the Constitution Act, 1902, be the electoral districts of New South Wales.

(4) Notwithstanding subsection (3), the electoral districts existing immediately before the publication of a proclamation under subsection (2) shall, for the purposes of any by-election to be held before the dissolution or expiry of the Assembly next succeeding that publication, be the electoral districts of New South Wales.

(10) Section 16—

Omit the section.

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(11) Section 17A—

Omit the section, insert instead :—

17A. In carrying out a distribution, the commissioners shall, subject to complying with section 28 of the Constitution Act, 1902, give due consideration to—

Criteria
for distri-
butions.

- (a) the then existing boundaries of electoral districts;
- (b) community or diversity of interest;
- (c) lines of communication;
- (d) physical features;
- (e) distance from the seat of Government;
- (f) density of population; and
- (g) demographic trends.

(12) Section 18—

Omit the section.

(13) Section 75—

After “stead.”, insert :—

The returning officer for an electoral district shall conduct every election of a member of the Assembly to represent that district.

A returning officer shall not vote at any election of a member of the Assembly.

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(14) Section 103 (2)—

Omit the subsection, insert instead :—

(2) In the case of the election of a member of the Assembly, a voter shall record his vote for at least one candidate by placing the number “1” in the square opposite the name of the candidate for whom he desires to give his first preference vote and may, if he wishes, vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of his preferences for them.

(15) Section 120A—

Omit the section.

(16) Section 120H—

Omit “120A”, insert instead “120B”.

(17) Section 122 (1) (b)—

Omit the paragraph, insert instead :—

(b) the voter has failed to record his vote in the manner directed on the ballot-paper; or

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(18) Section 122A (2)—

Omit the subsection, insert instead :—

(2) Notwithstanding anything to the contrary in this Act, a ballot-paper on which the voter has recorded his vote by placing in one square the number “1” shall not be treated as informal by reason only that—

- (a) the same preference (other than his first preference) has been recorded on the ballot-paper for more than 1 candidate; or
- (b) there is a break in the order of preferences recorded on the ballot-paper.

(19) Section 126 (1)–(2A)—

Omit section 126 (1), (1A) and (2), insert instead :—

(1) The returning officer shall, as soon as practicable after the close of the poll, in the presence of such scrutineers as choose to be present, and with such assistance as he may deem necessary, ascertain the result of the election in accordance with the Seventh Schedule to the Constitution Act, 1902.

(2) If the returning officer is satisfied, after inquiry, that any ballot-papers have been lost, destroyed or mislaid and that those ballot-papers, if counted, could not alter the result of the poll he may complete the count without counting those ballot-papers.

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(2A) As soon as practicable after the count has been completed, the returning officer shall, by notice signed by him and inserted in some newspaper circulating in the State, announce the result of the election.

(20) Schedule 4—

Omit “Give contingent votes for all remaining candidates by placing the numbers ‘2’, ‘3’, ‘4’, and so on, in the squares opposite the names of remaining candidates in the order of your preference.”, insert instead :—

** These words may be excluded where there are only 2 candidates.*

*You *may*, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preferences for them.

(21) Schedule 15—

Omit “Give contingent votes for all remaining candidates by placing the numbers ‘2’, ‘3’, ‘4’, and so on, in the squares opposite the names of remaining candidates in the order of your preference; fold”, insert instead :—

** These words may be excluded where there are only 2 candidates.*

*You *may*, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preferences for them.
Fold.

Parliamentary Electorates and Elections (Constitution) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT, 1912—*continued.*

(22) Schedule 18—

Omit the Schedule.

(23) Schedule 21—

Omit the Schedule.
